

FILED
UNITED STATES DISTRICT COURT IN CLERKS OFFICE
DISTRICT OF MASSACHUSETTS

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SECURITIES AND EXCHANGE : U.S. DISTRICT COURT
COMMISSION, : DISTRICT OF MASS.
: Plaintiff, : Civil Action
: : No. 05-11805-NMG
: v. :
: RICHARD B. SELDEN, :
: Defendant. :
----- X -----

DEFENDANT'S LOCAL RULE 16.1(D)(3) CERTIFICATION

Pursuant to Local Rule 16.1(D)(3), the undersigned counsel and the defendant in this matter have conferred:

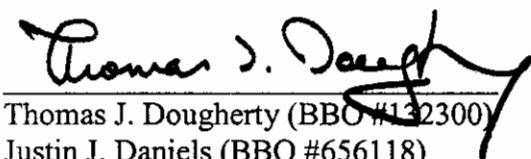
(a) with a view to establishing a budget for the costs of conducting the full course -- and various alternative courses -- of the litigation; and

(b) to consider the resolution of the litigation through the use of alternative dispute resolution programs such as those outlined in Local Rule 16.4.

Dated: November 9, 2005
Boston, Massachusetts


Richard F. Selden

Respectfully submitted,


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